

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

POWER INTEGRATIONS, INC.,
Plaintiff,
v.
FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., et al.
Defendants.

No. C-09-5235 MMC

**ORDER GRANTING IN PART AND
DEFERRING RULING IN PART ON
FAIRCHILD'S MOTION TO FILE UNDER
SEAL PORTIONS OF ITS MOTION TO
EXCLUDE JONATHAN D. PUTNAM,
AND SUPPORTING EXHIBITS**

Before the Court is an administrative motion to file under seal, filed September 4, 2015, by defendants Fairchild Semiconductor International, Inc., Fairchild Semiconductor Corporation, and Fairchild Corporation (collectively, "Fairchild"), pursuant to Civil Local Rule 79-5, by which Fairchild seeks permission to seal the entirety of Exhibits A - D to the Declaration of Christina A. Ondrick ("Ondrick Declaration") filed in support of "Fairchild's Motion to Exclude the Opinions and Testimony of Jonathan D. Putnam," as well as portions of Fairchild's motion that make reference to said exhibits.

All of the material sought to be sealed has been designated confidential by both parties, and, in accordance with the requirements of the Local Rules of this district, Fairchild and plaintiff Power Integrations, Inc. ("Power Integrations") have submitted respective declarations in support of Fairchild's administrative motion. See Civil L. R. 79-5(d) (providing motion to file document under seal must be "accompanied by . . . [a]

1 declaration establishing that the document sought to be filed under seal, or portions
2 thereof, are sealable"); Civil L.R. 79-5(d)-(e) (providing, where party seeks to file under seal
3 material designated confidential by another party, designating party must file, within four
4 days, "a declaration . . . establishing that all of the designated information is sealable").
5 Having read and considered the administrative motion and the parties' respective
6 declarations, the Court rules as follows.

7 To the extent the administrative motion seeks to seal the entirety of Exhibit D to the
8 Ondrick Declaration, the Court finds good cause has been shown, and the exhibit shall
9 remain filed under seal.

10 According to the parties' respective declarations, Exhibits A - C contain "Fairchild's
11 sales, revenue, strategic marketing and product status information" (see Ondrick Decl. ¶ 4),
12 and "Power Integrations' sales and finances, pricing terms, customers, internal marketing
13 and sales data, costs, [and] profit margins" (see Headley Decl. ¶ 3). Although the Court
14 agrees that Exhibits A - C contain such sealable material, each exhibit also appears to
15 contain a substantial amount of non-sealable material.¹ "A sealing order may issue only
16 upon a request that establishes that the document, or portions thereof, is privileged or
17 protectable as a trade secret or otherwise entitled to protection under the law." See Civil
18 L.R. 79-5(a). The request "must be narrowly tailored to seek sealing only of sealable
19 material." See id.

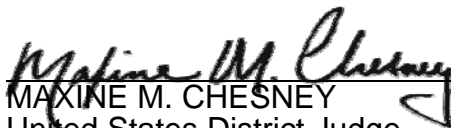
20 In lieu of denial, the Court hereby DEFERS ruling on the administrative motion to the
21 extent it seeks to seal Exhibits A - C and related portions of the motion to exclude, pending
22 each parties' filing, by November 3, 2015, a supplemental response that identifies, with
23 specificity, the portions of said exhibits and motion that contain such party's confidential
24 information. Pending the Court's ruling on the parties' supplemental responses, said

25
26 ¹See, e.g., Ondrick Decl. Ex. A (Putnam Report) at 40-52 (describing general
27 economic principles); Ex. B (Putnam Deposition) at 78-81 (discussing expert's
28 understanding of applicable law); Ex. C (Malackowski Report) at 129-33 (discussing
Georgia-Pacific factors and other applicable law). The foregoing citations serve as
representative examples; such examples do not constitute the entirety of the redacted
material that the Court has found to be non-sealable.

1 exhibits and motion will remain under seal.

2 **IT IS SO ORDERED.**

3 Dated: October 20, 2015


MAXINE M. CHESNEY
United States District Judge